

IV.

SPECIALTY PLANS

TABLE OF CONTENTS: SPECIALTY PLANS

	PAGE
PLANS FOR COMPLIANCE WITH THE CORE REQUIREMENTS OF THE JJDP ACT	
Plan for Deinstitutionalization of Status Offenders	1
Plan for Separation of Juveniles from Adult Offenders	2
Plan for Removal of Juveniles from Adult Jails	3
Plan for Reducing the Disproportionate Minority Contact	4
Intervention Strategy	4
Accomplishments and Planned Activities	4
Legislative Changes	4
Policies and Procedures	5
Training and Information Dissemination	7
Intake Stage	9
Secure Detention Stage	9
 PLAN FOR COMPLIANCE MONITORING	
Plan for Compliance Monitoring	11
 PLAN FOR COORDINATION OF CHILD ABUSE/NEGLECT PROGRAMS AND DELINQUENCY PROGRAMS	
Reducing the Caseload of Probation Officers	13
Sharing Public Child Welfare Records with the Courts in the Juvenile Justice System	13
Establishing Policies and Systems to Incorporate Relevant Child Protective Services Records into Juvenile Justice Records	14

PLAN FOR DEINSTITUTIONALIZATION OF STATUS OFFENDERS

Update:

In 2004 the Virginia General Assembly passed House Bill 1274, which amends Virginia Code §16.1-275 to remove *Children in Need of Services* from those who may be placed in the temporary custody of the Department of Juvenile Justice for a 30-day diagnostic assessment at the Reception and Diagnostic Center prior to final disposition. These placements were previously discontinued through administrative practice. This legislation ensures that a child who is alleged to be a *Child in Need of Services* is not incarcerated with juvenile delinquents in a juvenile correctional center.

PLAN FOR SEPARATION OF JUVENILES FROM ADULT OFFENDERS

Update:

Although historically Virginia has had limited complications regarding compliance with the separation requirement of the JJDP Act, a recent internal policy shift at OJJDP concerning juveniles tried and convicted as adults in circuit court (criminal court), but committed to the Department of Juvenile Justice (DJJ) has presented the state with significant barriers towards achieving compliance. In previous monitoring years, guidance from OJJDP indicated that as long as a person had an uninterrupted stay in a juvenile correctional facility, they could remain in the facility along with incarcerated juvenile delinquents until the end of the juvenile court jurisdiction as determined by the state. Virginia has been found consistently in compliance under this guidance. However, under current guidance from OJJDP, once individuals who are convicted in circuit court but sentenced to a juvenile correctional facility reach the age of 18.5, they must be separated from incarcerated juvenile delinquents. To achieve compliance with the separation requirement of the JJDP Act, Virginia submitted a plan outlining a timetable for activities that will lead to full adherence to Section 223 (12)(a) of the JJDP Act within 2 years from the submission of the Plan.

ACTION PLAN

Issue	Strategy	Time-Frame
1. Heighten awareness of violations	An additional strategy will be to collaborate with DJJ and DOC in preparation for the completion and submission of a plan for achieving full compliance with the separation requirement.	Complete
2. Address and implement strategies to reduce violations.	Formation of Separation Task Force to implement Compliance Plan submitted May, 2004	Ongoing

Update: Staffing of Adult and Juvenile Populations in Collocated Facilities

Virginia uses a totally separated staff to monitor and supervise residents placed in juvenile facilities. The Virginia Administrative Code (6 VAC 35-140-280C) specifically outlines the requirements for those working with juveniles.

PLAN FOR REMOVAL OF JUVENILES FROM ADULT JAILS AND LOCKUPS

No Change.

PLAN FOR REDUCING DISPROPORTIONATE MINORITY CONTACT

INTERVENTION STRATEGY

There is no single change that will ameliorate the disproportionate representation of African American children, particularly African American males, in Virginia's juvenile justice system. The approach must be multifaceted and have the cooperation and support of the Department of Juvenile Justice, the judiciary, law enforcement, probation officers, and other professionals involved in the system. Moreover, even during this time of scarce resources, alternatives to detention are needed in communities, particularly poor communities. The lack of qualified legal representation for poor children has, undoubtedly, had an impact on their placement in the juvenile justice system and must be changed. DCJS seeks to involve our partners in the juvenile justice system to address disproportionate minority representation and to effect change.

ACCOMPLISHMENTS & PLANNED ACTIVITIES

Virginia is addressing disproportionate minority representation at all stages of the juvenile justice system. The Department of Criminal Justice Services is committed to involving its partners in the juvenile justice system, particularly the Department of Juvenile Justice. The information provided below summarizes accomplishments since the submission of the Three-Year Plan, describes the status of ongoing projects, and provides current information about planned activities. Information is given that shows updates for both the 2004 and 2005 Plans.

Legislative Changes

Clarification of Criteria for Detention of Probation Violators

The 2002 General Assembly passed legislation¹ to ensure that a juvenile probation or parole violator may be detained in a secure detention facility for violation of probation/parole only if the offense for which the juvenile was placed on probation or parole would have been a felony or Class 1 misdemeanor if committed by an adult. This precludes confinement of juveniles in secure detention facilities for parole violation when their original offense was a status offense. This legislative change is expected to reduce the number of juveniles in secure detention facilities and may reduce the proportion of minority juveniles in confinement.

¹ Va. Code Ann § 16.1-248.1(A1).

Update for 2004. Between the 2002 and 2003 fiscal years, there has been a 10% reduction in the number of children detained in secure detention facilities for probation/parole violations. This change in criteria may be one of the reasons for the reduction.

Update for 2005. For admissions to secure detention where the most serious offense is a probation/parole violation, although the number has decreased from 2002, the percentage of admissions this represents has remained constant at 22%.

Cultural Awareness Training for Police Officers

The Virginia Community Policing Institute provides cultural awareness training to local police departments throughout the State. The 2002 General Assembly passed legislation² requiring DCJS to publish a policy or guideline to expand the compulsory training standards for police officers to ensure awareness of cultural diversity and the potential for biased policing.

Update for 2004. The revised Compulsory Minimum Training Standards are available on the DCJS web site at <http://www.dcjs.virginia.gov/StandardsTraining/CompulsoryMinimumTraining/index.cfm>.

Update for 2005. No change from 2004.

New for 2004. Appointment of Counsel for Detention Hearings

In the 2004 General Assembly Session, House Bill 600 provided for the appointment and compensation of counsel prior to an initial juvenile detention hearing. Current law provides for such appointment at the detention review hearing and affords the opportunity for a detention review hearing once counsel is appointed. The bill was to be effective July 1, 2005.

Update for 2005. In the 2005 legislative session, HB2670 modifies the provisions of HB600 so that only those youth charged with felony offenses could not waive representation by an attorney without consultation with an attorney. It will be effective July 1, 2005.

With legislation that provides for counsel earlier in the process, it is expected that fewer juveniles will be detained predispositionally.

Policies and Procedures

Grantees to Address Disproportionate Minority Representation

DCJS Title II and Title V grants administered through the Juvenile Services Section will continue to require compliance with the four core requirements of the JJDP Act, including addressing disproportionate minority representation. Grantees are asked

² Va. Code Ann. §9.1-102(40&41).

to ensure that their prevention and intervention programs do not prohibit minority participation. A Notice of Compliance with the Core Requirements has been developed for grant applicants to assess their locality's DMC status in the juvenile justice system if they want to participate in Title II or Title V grant funding. It requires the development of a corrective plan if minorities are overrepresented.

Update for 2004. For 2005, DMC is a priority area for Title II funding.

Update for 2005. For 2006, DMC is a priority area for Title II funding.

New for 2004: Subcommittees of the Advisory Committee on Juvenile Justice

The Virginia Advisory Committee on Juvenile Justice, formerly the Virginia Juvenile Justice and Delinquency Prevention Advisory Committee, has established a Disproportionate Minority Contact Subcommittee.

The Advisory Committee on Juvenile Justice has formed a Government Relations Subcommittee, which has been active in monitoring and responding to proposed changes that affect children in the juvenile justice system.

Update for 2005. The DMC subcommittee met twice in 2004 to review trend data and recent accomplishments and to facilitate discussion on initiatives to further reduce minority overrepresentation.

The Government Relations Subcommittee met once about legislation in the 2005 Virginia legislative session pertinent to children in the juvenile justice system and made recommendations to the full Advisory Committee. The Advisory Committee sent its recommendations to the Director, DCJS.

New for 2004: Governor's Preventing Crime in Minority Communities Task Force

In November of 2003, Virginia's Governor Warner announced the appointment of a task force to meet with citizens around the State to address the issue of preventing crime in minority communities. The Task Force met once in Richmond in 2003. In 2004, it met four times at Tidewater, Arlington, Roanoke, and again at Richmond. The Task Force is staffed by DCJS.

Update for 2005. On March 22, 2005, the Task Force released its final report and recommendations³.

³ Commonwealth of Virginia (March 22, 2005). The Governor's Preventing Crime in Virginia's Minority Communities Task Force Report.

Training and Information Dissemination

Training of Detention Staff

The DCJS Juvenile Services Compliance Monitor provides training and assistance to local officials and detention staff to ensure that they are aware of the four core requirements of the JJDP Act including the necessity of addressing disproportionate minority confinement.

Update for 2004. No Change.

Update for 2005. No Change. This is an ongoing activity.

Juvenile Services Section Fact Sheet

The Juvenile Services Section, DCJS, has published its first Fact Sheet, *Reducing Minority Overrepresentation in Virginia's Juvenile Justice System*. The Fact sheet describes the problem in Virginia, lists strategies that Virginia has undertaken to reduce the problem, and provides a list of resources for localities. It has been distributed widely across the Commonwealth to professionals involved in the juvenile justice system, promoted at conferences, and is also available online at <http://www.dcjs.state.va.us/juvenile> (click on Publications & Resources). DCJS will continue to promote it. It has already been reprinted.

Update for 2004. No change.

Update for 2005. The Fact Sheet was reprinted again in July 2004 to meet demand.

Juvenile Services Section Demographics Web Page

The Juvenile Services Section, DCJS, web page is designed to enable representatives from localities, grantees, and other interested persons to learn about minority representation and overrepresentation in the Virginia juvenile justice system and the national requirements for monitoring disproportionate minority confinement. Ready access to state and local population, intake, and confinement data by race is also provided, along with instructions about how to compute indices comparing juveniles in the justice system⁴. The web site can be accessed through the Juvenile Services Section main page at <http://www.dcjs.state.va.us/juvenile> and then clicking on the *Juvenile Justice System Demographics* menu. Both number and percentage information is provided and the numeric information is depicted visually in graph form automatically. This web site will be updated with current information.

⁴ Disproportionate minority representation can be measured at each stage of the juvenile justice system. The measure is usually an index computed by calculating a ratio: the proportion of a racial group at a stage in the system divided by the proportion of that racial group in the population. If the resulting index is above 1.0, the racial group is over-represented at that stage in the system; if the index is less than 1.0, the racial group is under-represented.

Update for 2004. The Juvenile Justice Demographics web page was updated with current information in the Summer of 2003. It is accessed frequently. For example, during the month of February 2004, the Juvenile Justice Demographics web site was accessed 245 times.

Update for 2005. The JJ Demographics web page continues to be accessed frequently. During the month of February 2005, it had 740 hits, by 288 persons. The average visit length was 12 minutes.

Judicial Workshops

DCJS staff presented information about disproportionate minority representation to Virginia juvenile and family court judges at their conference in April 2003.

Update for 2004. Department of Juvenile Justice staff presented at an August judicial conference regarding DMC.

Update for 2005. The Virginia Juvenile and Domestic Relations Court judges are planning a training conference in May 2005 to address best practices in DMC and mental health. The training is for judges, prosecutors, and juvenile court administrators. DCJS has participated in planning and funding the conference.

Community-Oriented Justice Conference

Department of Juvenile Justice staff will present information about the new intake and secure detention assessment instruments at a workshop at the Community-Oriented Justice Conference, attended by juvenile and criminal justice professionals from across Virginia.

Update for 2004. Department of Juvenile Justice staff presented information about the new intake and secure detention assessment instruments at a workshop at the Community-Oriented Justice Conference in April 2003, attended by juvenile and criminal justice professionals from across Virginia.

Update for 2005. The 2004 COJ conference did not include a session addressing DMC. DCJS is not planning a COJ conference in 2005.

Juvenile Justice and Delinquency Prevention Conference

Although the details are not finalized, disproportionate minority representation in the juvenile justice system will be addressed at this conference in June of 2003.

Update for 2004. Disproportionate minority representation in the juvenile justice system was highlighted at the Juvenile Justice and Delinquency Prevention Conference in June 2003 with a keynote address and a workshop on disproportionate minority representation. The issue will be addressed again at the upcoming conference in June of 2004.

Update for 2005. At the 2004 conference, Jerrauld Jones, Director of the Department of Juvenile Justice, addressed the conference about DMC.

Intake Stage

Race-Neutral Detention Assessment Instrument

The Department of Juvenile Justice has developed a race-neutral risk assessment instrument for use at intake. Statewide use of the instrument has begun. It is expected that the use of this instrument will reduce the number of total juvenile detention placements, including minority placements.

Update for 2004. It was hoped that this initiative would reduce the number of minority youth in secure detention. However, the recommended decisions of the instrument are being overridden by Department of Juvenile Justice staff. DJJ has initiated training at Court Service Units to attempt to reduce the number of inappropriate overrides.

Update for 2005. As of March 2005, the override rate by DJJ staff has been reduced to 41%.

Secure Detention Stage

Reducing the Number of Children in Secure Detention

DCJS considers the number of children in secure detention overall and the detention of children for probation/parole violations as problems and has identified them in the Problem Statements. As can be seen in the graph at the beginning of the section, many of these children are black. There are several possible reasons for the great number of children being detained. Parental involvement and supervision of the child may be seen to be inadequate. There may be a lack of alternative graduated sanctions and services within the child's community. Reducing the number of children in secure detention overall and for probation/parole violations may reduce the number and proportion of black juveniles in secure detention. They are more likely to be poor, have inadequate legal representation, and be situated in communities with fewer resources than white children.

DCJS plans to gather data to determine whether children are being held in detention to ensure public safety or for lack of alternatives, lack of adequate representation, or as punishment. For more details about planned activities, see the *Alternatives to Detention* and the *Juvenile Justice System Improvement Program* Descriptions.

Update for 2004. In the Three-Year Plan, DCJS reported plans to gather data to determine whether children are being held in detention to ensure public safety or for lack of alternatives, lack of adequate representation, or as punishment. Unfortunately, these data are not yet being collected in a consistent manner. Data collection is improving and it is hoped that some of the data will be available in the coming years.

Update for 2005. In the meantime, the Department of Juvenile Justice has instigated the Juvenile Detention Alternatives Initiative, described below.

Department of Juvenile Justice Juvenile Detention Alternatives Initiative

The Department of Juvenile Justice has undertaken an initiative with funding from the Annie E. Casey Foundation and a DCJS Juvenile Accountability Block Grant to increase the use of alternatives to secure detention. The project is being piloted in 4 secure detention homes and the associated 6 court service unit intake offices. Because lack of local alternatives is reputedly one of the reasons leading to detention, it is hoped that this initiative will reduce the number of black juveniles in detention.

Update for 2004. To support this initiative, DCJS awarded DJJ a Juvenile Accountability Block Grant of \$500,000 to allow those pilot localities participating in the Casey initiative to provide alternatives to detention.

Update for 2005. That grant has been continued for a second year. JABG and Title II funds are supporting detention expeditors in many of the Casey sites.

Addressing the Lack of Qualified Legal Counsel

The American Bar Association's report concerning the legal representation of juveniles in Virginia⁵ states that the system is uneven and has a disproportionate impact on poor and minority children. DCJS has identified lack of qualified legal representation as a problem in Virginia and included it in the Problem Statements. Lack of access to and representation by qualified legal counsel may lead to more children being detained, particularly African American children.

Update for 2004. DCJS is in the planning stages of arranging Challenge Grant funding for the Public Defender Commission to train public defender attorneys and attorneys of the private bar about mental health issues for juveniles in the juvenile justice system. In addition, House Bill 600, described above under *Legislative Change* provides for the appointment and compensation of counsel prior to an initial juvenile detention hearing.

Update for 2005. DCJS arranged for Challenge Grant funding for the Public Defender Commission to train public defender attorneys and attorneys of the private bar about mental health issues for juveniles in the juvenile justice system. The first Annual Juvenile Defender Summit was held in October 2004 with 185 participants.

In addition, House Bill 600 in 2004 and HB2670 in 2005, described above under *Legislative Change*, provide for the appointment and compensation of counsel prior to an initial juvenile detention hearing.

⁵ American Bar Association Juvenile Justice Center & Mid-Atlantic Juvenile Defender Center (2002). *Virginia: An Assessment of access to counsel and quality of representation in delinquency proceedings*. Washington, D.C.: American Bar Association

PLAN FOR COMPLIANCE MONITORING

No change in policy or process.

THE MONITORING UNIVERSE AND CLASSIFICATION OF FACILITIES

Local Lockups; Local and Regional Jails

Currently, there are 85 local and regional jails in Virginia; 13 jails and 7 locally operated court/police lockups are certified to house juveniles.

Collocated Facilities

No Change.

Secure Juvenile Detention Facilities

The new juvenile secure detention facility in Virginia Beach opened in December 2004.

Juvenile Correctional Centers

DJJ operates eight correctional centers for juveniles committed to state care. The Reception and Diagnostic Center (RDC) is the intake point for all juveniles committed to DJJ. State law precludes the confinement of status and non-offenders in these facilities. Recent legislation (HB1274) has amended the *Code of Virginia* (16.1-275) to discontinue the prior practice, which did permit a juvenile who was alleged delinquent and predispositional to be placed in the custody of DJJ for up to 30 days for assessment.

State Adult Correctional Facilities

No Change.

INSPECTION & ON-SITE MONITORING

No change in process.

Procedures for Uncovering, Investigating & Reporting Compliance Violations

No Change.

Corrective Action Plan

No Change.

Barriers to Maintaining a Monitoring System.

There currently are no barriers to maintaining a monitoring system.

DATA COLLECTION AND VERIFICATION

No change to process.

Jails

No Change.

Lockups

No Change.

Secure Detention Facilities

No Change.

Juvenile Correctional Centers

No Change.

COORDINATION OF CHILD ABUSE AND NEGLECT AND DELINQUENCY PROGRAMS

Reducing the Caseload of Probation officers

Pursuant to Section 223(a)(25) of the JJDP Act of 2002, the state must provide incentive grants to units of general local government that reduce the caseload of probation officers. Funds reserved for this purpose may not exceed 5 percent of the state's allocation (other than funds made available to the SAG).

Action Plan:

As shown in the problems statements, this is not a priority area for Virginia at this time. No funds will be allocated for the 2003-2005 Plan. When achieved, two of Virginia's priorities in this Plan, reducing the number of children in secure detention facilities and reducing the number of children detained for technical offenses, may have an impact on the caseloads of probation officers. When this occurs, decreasing the load of probation officers may become a priority.

Sharing Public Child Welfare Records with the Courts in the Juvenile Justice System

Pursuant to Section 223(a)(26) of the JJDP Act of 2002, the state must implement a system to ensure that if a juvenile is before a court in the juvenile justice system, public child welfare records (including child protective services records) relating to such juvenile that are on file in the geographical area under the jurisdiction of such court will be made known to such court.

Action Plan:

Foster care and child protective services records are available to judges of the Juvenile and Family Courts through a computerized system maintained by the Virginia Department of Social Services. *The Code of Virginia*, §63.2-105, specifies that confidential records of a child may be disclosed when it is in the best interest of the child to do so.

DCJS will undertake discussions with the Departments of Juvenile Justice, Social Services and the State Executive Council for Comprehensive Services for At-Risk Youth and Families.

Update

DCJS staff has met with representatives of the Virginia Supreme Court to determine the current system and planned activities. The following information about current practice and planned activities was gathered.

In Virginia, the Juvenile and Domestic Relations District Court, has jurisdiction over all matters (civil and criminal) that are related to juveniles who are brought before the court. The court maintains a record for all youth that come before the court on matters such as juvenile justice, public child welfare and child protective services. There is one record maintained by the court for each juvenile under the jurisdiction of the court that relates to all matters concerning that child. Agencies that serve the child and his/her family and that interface with the court process also maintain records of their services and interaction with their clients. This information is made available to the courts as is necessary and appropriate to develop the best treatment plan or case plan for the youth in question.

It is the policy of Virginia juvenile courts to assign child abuse and neglect cases to a specific judge either at the emergency removal hearing or by the time of the preliminary removal order hearing and adjudication. This judge conducts all subsequent hearings and enables the judge to become thoroughly familiar with the needs of the child and family over the time that they are before the court. When a child is not removed but a preliminary protective order is entered, the same judge typically hears all subsequent proceedings with regard to the monitoring of that order. If the same judge does not hear the case upon subsequent reviews, the records are still available because of the court structure to handle all matters that are under the jurisdiction of the Juvenile and Domestic Relations District Court.

The Office of the Executive Secretary, Supreme Court of Virginia was funded effective May 2004 by the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention (DOJ/OJJDP) to enter into a cooperative agreement to operate a demonstration project under the Strengthening Abuse and Neglect Courts in America: Management Information Systems Project (SANCA – MIS) program. This grant provides \$200,000 for use by OES' Department of Judicial Information Technology (DJIT) to carry out a two-year demonstration project to: 1. Complete development of the new relational database for juvenile and domestic relations district courts; 2. Design, develop and implement programming applications to enhance the Court Automated Information System (CAIS) to provide selected items of technology enhancement as identified in the "Automating for Permanency Report" completed by the Virginia Court Improvement Program in September 2000. 3. Test this enhanced CAIS in one or two pilot courts. 4. Use the knowledge gained from the pilot courts to implement these enhancements statewide and to further the development of desired technology enhancements for child dependency cases.

This grant effort will permit the substantive and comprehensive tracking of child dependency cases in Virginia courts and facilitate information sharing within the court about related cases.

Establishing Policies and systems to Incorporate Relevant Child Protective Services Records into Juvenile Justice Records

Pursuant to Section 223(a)(27) of the JJDP Act of 2002, the state must establish policies and systems to incorporate relevant child protective services records into

juvenile justice records for purposes of establishing and implementing treatment plans for juvenile offenders.

Action Plan:

Every child committed to the Department of Juvenile Justice undergoes a comprehensive evaluation at the Reception and Diagnostic Center. There, data are collected pertaining to offense, social history, cognitive and psychological functioning, drug use, and physical health. From the Reception and Diagnosis Center, the child may go to a privately-operated residential facility or a juvenile correctional center. At a correctional center, a committed juvenile receives 24-hour supervision, education, treatment services, recreational services, and a variety of special programs.

DCJS will undertake discussions with the Departments of Juvenile Justice, Social Services and the State Executive Council for Comprehensive Services for At-Risk Youth and Families.

Update:

DCJS staff has met with representatives of the Department of Juvenile Justice to clarify practice and law with regard to this Section.

Current law does not allow for physical incorporation of records. It is only at the court level where there will be incorporation of relative information into one file that is maintained by the court.

The *Code of Virginia* allows the juvenile court to require investigation of a juvenile offender's social history before final disposition of a case. The Department of Juvenile Justice (DJJ) provides to the court this written report. Current state regulations and agency policy shows that a social history is prepared on youth placed on probation supervision or those that have been committed to the Department of Juvenile Justice. The policy further documents that the probation officer has to review all court records and contacts with other agencies. The DJJ's case management tracking system will also allow a probation officer to gain information from other local probation units that are in other geographical locations that are not under the jurisdiction of the court currently hearing the case. This information is incorporated into the written report provided to the court and thus becomes a part of the court record. The social history then is utilized in establishing and implementing a (service plan/family involvement plan) treatment plan for the juvenile offender.

Pursuant to Section 223(a)(28) of the JJDP Act of 2002, this section of the application must provide an assurance that juvenile offenders whose placement is funded through Section 472 of the Social Security Act (42 U.S.C.672) receive the protections specified in Section 471 of such Act (42 U.S.C.671) including a case plan and case plan review as defined in Section 475 of such Act (42 U.S.C. 675).

Action Plan:

A child placed in a local secure detention facility is funded by the locality, regardless of whether the Department of Social Services has custody of the child. Once a child is committed to a juvenile correctional center, the Department of Juvenile Justice has custody of the child. The Virginia Department of Social Services, which has responsibility for foster care children, will not do case plan reviews when they do not have custody.

Update:

DCJS staff has met with the Departments of Juvenile Justice and Social Services to clarify current practice and planned activities with regard to this Section.

The Department of Social Services *Foster Care Policy Manual* addresses the responsibility for children in custody of the Department of Juvenile Justice. Further, steps have been taken to draft regulations that will be submitted to the Board of Social Services and the Governor.